



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Senator Charles E. Sydnor III
Testimony Regarding SB 0069: Courts – Standing Committee on
Rules of Practice and Procedure
Before the Senate Judicial Proceedings Committee
February 3, 2022

“We are at on a crossroads in meeting the mandate of equal justice under law. We must choose, deliberately and thoughtfully, to eliminate discrimination the basis of race, background, or identity, whether or not it is done with intention, within the Judiciary or in the administration of justice. The Committee on Equal Justice will lead our work to identify what we must change or improve so that we provide fair, efficient, and effective justice for all in Maryland.”
Former Chief Judge Mary Ellen Barbera

Good afternoon Chair Smith, members of our Judicial Proceedings Committee,

Senate Bill 69 arises from the public listening session I attended for the Judiciary’s Committee on Equal Justice last summer on civil proceedings. Former Chief Judge Barbara directed that the Judiciary dismantle discriminatory behaviors in all aspects of the Judiciary’s functions. She stated that, “We must assure that our courts do not suffer bias, conscious or unconscious.”

To investigate Judge Barbara’s mandate, the Equal Justice Committee conducted a series of listening sessions on various issues. I participated in the listening session on civil proceedings. I joined with other members of the bar and wrote:

the rule makers themselves must be representative of the whole community. For example, if the private attorney members of the Rules Committee largely represent private business interests who are adverse to individuals in civil litigation, there may be an unintended bias for rules and procedures that appear to favor businesses since there are few voices on the Rules Committee who represent the contrary constituency. The various public interest organizations who serve Maryland’s most vulnerable populations do not appear to have any representatives on the Rules Committee, including the Office of the Public Defender, Maryland Legal Aid, and other similar entities.

While acknowledging that the Rules Committee has invited input from time to time from broader groups of stakeholders, those ‘guests’ are not afforded voting rights Those selected for membership on the Rules Committee have the power of the vote but those representing Maryland’s most at-risk groups in the Maryland court system have no voice in the final decisions and recommendations to the Court of Appeals.

Senate Bill 69 is intended to reflect some but not all of the recommendations made during that session and provide basic, guideposts for the Rules Committee to avoid the unintended appearance of bias by those recommending the rules governing court proceedings to the Court of Appeals.

Some may argue that SB 69 invades the powers and authority of the Judiciary; and that certainly is not how I perceive this bill. I suggest that SB69 is an important but limited check that we as members of the General Assembly should desire on behalf of our constituents who are impacted by the rules of procedure and practice occurring in the Court system.

For the aforementioned reasons and to ensure fundamental fairness in Maryland's judicial system, I ask that this committee provide SB 69 a favorable report.